

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 27<sup>th</sup> DAY OF AUGUST 2012 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Matthew R. Gabriele	
	Annette S. Perkins (arrived 6:35 p.m.)	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahan	-County Attorney
	Ruth Richey	-Public Information Officer
	Mitchell Haugh	-Parks & Recreation Director
	Vickie L. Swinney	-Secretary, Board of Supervisors

**CALL TO ORDER**

The Chair called the meeting to order.

**ADD TO THE AGENDA – ADDENDUM**

On a motion by Christopher A. Tuck, seconded by Mary W. Biggs and carried unanimously, the following addendum was added to Closed Meeting:

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Courthouse Property

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Gary D. Creed	None	Annette S. Perkins
William H. Brown		
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
James D. Politis		

## **INTO CLOSED MEETING**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
    1. MBC Development Corporation
    2. Personnel
  
  - (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
    2. Courthouse Property

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
William H. Brown	None	Annette S. Perkins
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
James D. Politis		

Supervisor Perkins arrived at 6:35 p.m.

## **OUT OF CLOSED MEETING**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
William H. Brown	
James D. Politis	

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### **VOTE**

#### **AYES**

Mary W. Biggs  
Christopher A. Tuck  
Matthew R. Gabriele  
Gary D. Creed  
William H. Brown  
Annette S. Perkins  
James D. Politis

#### **NAYS**

None

#### **ABSENT DURING VOTE**

None

## ABSENT DURING MEETING

None

## INVOCATION

A moment of silence was led by the Chair.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## PRESENTATION

### Montgomery County All-Stars Dixie Angels Softball Team – 2012 District 6 Tournament Champions and Virginia State Champions

The Board of Supervisors presented certificates of appreciation to the Montgomery County All-Stars Dixie Angels Softball team, their coaches, and Chris Slusser, Montgomery County Parks and Recreation Athletic Supervisor.

The Montgomery County All-Stars Dixie Angels Softball Team won the District 6 Championship, the Virginia State Championship and finished 5<sup>th</sup> Place in the World Series games.

Montgomery County All-Stars consist of the following: Rachel Harding, Skylar Dehart, Emily Scaggs, Jaylin Shepherd, Abigail Wilson, Courtney Raines, Tori Boyd, McKenzie Lawrence, Rebecca Harding, Adyson Huff, Leah Harrison and Morgan Wade. The team is managed by Lonnie Raines and coached by Rick Boyd, Boogie Dehart, William Harrison, Randy Lawrence and Mike Hinkley.

This was Montgomery County's first ever Dixie Softball State Championship and represented Virginia in the inaugural Dixie Angels X-play World Series in Troy, Alabama, July 27- August 2, 2012. Montgomery County finished 5<sup>th</sup> Place in the World Series games.

## DELEGATIONS

### Virginia Cooperative Extension – Quarterly Report for Montgomery County

Michelle Dickerson, Extension Agent, provided an update on the Extension programs in Montgomery County.

## **PUBLIC HEARING**

Ordinance Amending Chapter 1 of the Code of the County of Montgomery, Virginia  
**Ordinance Amending Chapter 1, Entitled General Provisions of the Code of the County of Montgomery, Virginia, by adding Section 1-9 allowing reimbursement for expenses incurred by the County for methamphetamine lab cleanup.**

The County Attorney summarized the proposed ordinance amendment to allow Montgomery County to start collecting reimbursement for expenses incurred by the County for methamphetamine lab cleanup. The General Assembly adopted a bill that allows localities, by ordinance, to collect reimbursement for meth lab cleanup. The County can either request the judge to issue reimbursement by court order or seek reimbursement by civil action. The County Attorney recommended that the County seek reimbursement by court order. The Sheriff is in support of adopting this ordinance.

Supervisor Tuck agreed with the County Attorney that the county should seek reimbursement by court order. He did caution the Board that they should not expect this to be a significant revenue source as the people who are charged with making methamphetamine are not likely to be able to pay fines. Also, inmates are not required to pay restitution/reimbursement while confined in jail.

There being no speakers, the public hearing was closed.

## **PUBLIC ADDRESS**

Jack Selcovitz expressed concerns with large political campaign signs being erected along the roadways. Mr. Selcovitz recalled the Board discussing the size requirements and asked that either the zoning ordinance be amended to address the larger signs or start enforcing the current ordinance.

Mr. Selcovitz was informed that the Board of Supervisors did amend their zoning ordinance in February 2012 in order to address the larger political campaign signs.

There being no further speakers, the public address session was closed.

## **CONSENT AGENDA**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated August 27, 2012 was approved. The vote was as follows:

### AYE

Mary W. Biggs  
Christopher A. Tuck  
Matthew R. Gabriele  
Gary D. Creed  
Annette S. Perkins  
William H. Brown  
James D. Politis

### NAY

None

**Approval of Minutes**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the minutes dated June 11, 2012 were approved.

**Appropriations and Transfers**

**A-FY-13-27  
MONTGOMERY MUSEUM AND  
LYRIC THEATRE GRANT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2013, for the function and in the amount as follows:

911	Montgomery Museum Grant	\$2,500
	Lyric Theatre Grant	<u>\$2,500</u>
	Total	\$5,000

The source of the funds for the foregoing appropriation is as follows:

Revenue Account:

424401	State Grants	\$5,000
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Said resolution appropriates grant funds received for the Montgomery Museum and Lyric Theatre.

**A-FY-13-28  
FLOYD LIBRARY  
CARRYOVER FY 12 FUNDS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2013, for the function and in the amount as follows:

720	Floyd Library	\$15,618
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205	Fund Balance	\$15,618
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Said resolution appropriates Floyd Library designated funds remaining at year-end 2012 for use by the Library.

**R-FY-13-18**  
**DESIGNATE CRAIGS CREEK ROAD**  
**(SR 621) AS A RURAL RUSTIC ROAD**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Section 33.1-70.1 of the Code of Virginia permits the hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, Any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, The Board of Supervisors of Montgomery County, Virginia (“Board”) desires to consider whether Route 621 Craigs Creek Road, from the end of paved surface approximately 3.0 miles from the Craig County line, to the Craig County line should be designated a Rural Rustic Road; and

WHEREAS, The Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, The Board believes this road should be so designated due to its qualifying characteristics; and

WHEREAS, The road aforesaid is in this Board’s six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, The Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, The Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

**R-FY-13-19**  
**MONTGOMERY TOURISM DEVELOPMENT**  
**COUNCIL REAPPOINTMENTS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints the following individuals to the Montgomery Tourism Development Council:

<u>Reappointment</u>	<u>Effective Date</u>	<u>Expiration Date</u>
Kathy Drummond Christiansburg Hotel Representative	August 28, 2012	August 27, 2014
Connie Hale Riner Restaurant Representative	August 28, 2012	August 27, 2014
James D. Politis Board of Supervisors Representative	August 28, 2012	August 27, 2014

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

**R-FY-13-20  
PLANNING COMMISSION  
APPOINTMENT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Jeanne Stosser** to the **Montgomery County Planning Commission** effective August 28, 2012 and expiring June 8, 2013.

Said appointment fills the unexpired term of Ryan Thum, resigned.

**R-FY-13-21  
TRANSPORTATION SAFETY COMMISSION  
APPOINTMENT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Brian L. Kitts** to the **Transportation Safety Commission** effective August 28, 2012 and expiring August 27, 2015.

**NEW BUSINESS**

**R-FY-13-22  
RESOLUTION ESTABLISHING THE  
PERSONAL PROPERTY TAX RELIEF  
PERCENTAGE FOR 2012**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Personal Property Tax Relief Act of 1998, Virginia Code §58.1-3523, et seq. (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, These legislative enactments required the County of Montgomery, Virginia, to take affirmative steps to implement these changes and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, These legislative enactments provide for the appropriation to the County of Montgomery, Virginia, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles and provide the opportunity for the County of Montgomery, Virginia, to fashion a program of tax relief that serves the best interest of its citizenry; and

WHEREAS, The Board of Supervisors adopted an ordinance to implement the changes to PPTRA affected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia on November 28, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the rate of 100% of relief shall be applied to each qualifying vehicle valued at \$1,000 or less and that the rate of 51.41% shall be applied to the first \$20,000 in value of each qualifying vehicle with a value above \$1,000. Those rates of relief are estimated to exhaust PPTRA relief funds available to the County of Montgomery, Virginia, by the Commonwealth of Virginia for Tax Year 2012.

FURTHER BE IT RESOLVED, That any amount of PPTRA relief not used within the County of Montgomery’s Fiscal Year shall be carried forward and used to increase the funds available for personal property tax relief in the following Fiscal Year.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Christopher A. Tuck	None
Matthew R. Gabriele	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
James D. Politis	

### **COUNTY ADMINISTRATOR’S REPORT**

The County Administrator reported on the following:

- Backcountry.com Ribbon Cutting was held August 25, 2012. The County Administrator thanked the Board for their support in bringing Backcountry to Montgomery County.
- Goodwill Donation Boxes at County's Consolidated Sites: The County Administrator provided a report from the July donations. So far over 300 lbs of donations have been received at the County's Consolidated Sites for the first month. Representatives from Goodwill reported that all donations received were of good quality.
- County Conversations – The Board of Supervisors expressed interest in holding informal meetings within the community to provide an overview of the county's resources and services. The Assistant County Administrator provided tentative dates and possible topics. The Board agreed to schedule community meetings as follows:

Monday, September 17	Meadowbrook Center, Shawsville
Thursday, October 4	Kipps Elementary School, Blacksburg
Monday, October 15	Christiansburg Middle School, Christiansburg
Monday, October 29	Blacksburg Library, Blacksburg

### **BOARD MEMBERS' REPORTS**

Supervisor Gabriele attended the School Board meeting where discussions revolved around the School Board's move to the County Government Center and remaining school funds at the end of June 30, 2012. The School Board also discussed the requests to video tape the School Board meetings. Three School Board members expressed their opposition to this idea and believe the Board of Supervisors is pushing them to do so.

Supervisor Biggs commented that videotaping meetings are part of open government and that it is the citizens of Montgomery County requesting the School Board to start videotaping their meetings, not the Board of Supervisors.

The County Administrator asked if the School Board was clear that the County is going to cover all costs associated with videotaping the School Board meetings. Supervisor Gabriele replied the School Board was aware of this offer.

Blacksburg Park Summit was held last week with approximately 75-80 people in attendance. This was sponsored by the Blacksburg Partnership to start a comprehensive arts initiative in Blacksburg. They hope that this initiative will be more regional than just within the town limits. They foresee a year-round arts and cultural destination community.

Supervisor Tuck stated due to the State Correctional Department not transferring inmates from the regional jails to the state correctional centers in a timely manner, inmates are found serving their time in local jails. State facilities offer some training and apprenticeships that are not offered in the local and regional jails. Supervisor Tuck would like to see an inmate pilot program started at the Western Virginia Regional Jail for a garden and/or other type of vocational training courses such as welding. A garden could produce vegetables for the jail and community food pantry.

Supervisor Brown received a copy of a letter from the Historical Review Board regarding a request to expand the historical district area along Prices Fork Road which will include the old Prices Fork Elementary School property. The Historical Review Board is seeking comments on the request by September 20, 2012. Supervisor Brown believes comments should come from the entire Board of Supervisors, not just him. He asked if the property is included in the historical district will it impact the property use.

The County Administrator replied he will schedule a meeting with the County Attorney and Planning Director to review the request and what impacts to the property if it is declared historical.

Supervisor Perkins reported she attended three meetings last week, Planning District Commission, Pepper's Ferry Regional Wastewater Treatment Authority, and the Virginia Association of Counties' (VACo) Education Steering Committee.

The VACo Education Steering Committee discussed the dismal situation at the state level and outlined what localities can expect from the State for funding education. The State has reduced its commitment to the localities and expects the local government to increase their funding for education. Supervisor Perkins noted that there is a large number of new members on the VACo Education Steering Committee. She also noted that Goochland County withdrew their membership from VACo due to Agenda 21.

Supervisor Politis reported he attended the Montgomery Tourism Development Commission meeting and they announced the hiring of a tourism director.

He attended the VACo Transportation Steering Committee and Environment and Agricultural Steering Committee meetings in Richmond. He presented the alternate paving option ( dirt glue) to the committee.

## **ADJOURNMENT**

The Chair declared the meeting adjourned to Monday, September 10, 2012 at 6:00 p.m.

The meeting adjourned at 9:25 p.m.

APPROVED \_\_\_\_\_ ATTEST: \_\_\_\_\_  
James D. Politis F. Craig Meadows  
Chair County Administrator